

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE CHARTER REVISION COMMISSION

Members of the Charter Revision Commission held a meeting on Tuesday, June 9, 2015 at 7:00 P.M. in Meeting Room 1 of the Municipal Center, 3 Primrose Street, Newtown, CT. Chairman Jeff Capeci called the meeting to order at 7:00pm.

Present: Jeffrey Capeci, Tom Long, Eric Paradis and Dan Wiedemann

Also Present: Board of Finance Chairman, John Kortze and Finance Director Bob Tait

Tom moved to approve the minutes of the meeting of June 2, 2015. Motion seconded by Eric. All in favor.

Members reviewed charge items categorized under BOF MISSION and FINANCE DIRECTOR with John and Bob:

| Charter Section | Suggestion | Comments |
|-----------------|--|--|
| 1-40, 2-130 | Consider merit of Town Meeting as a legislative body and functionality of the Town Meeting. Also clarify the legislative body and the role of the BOF as BOF has some legislative authority in appropriation process. | 1-40 moved to 2-105; specific legislative bodies not enumerated. 2-2-130 moved to 2-125. |
| 6-02 | Considering BOF does most financial legwork, should auditor come with recco from BOF? | See markup section 7-05(c). |
| 7 | Legislative Bodies. Does that include BOF? | Section 7 does not exist in new charter. Legislative bodies are too many to enumerate. |
| 7-51 | Language should be consistent and include recommendation from BOF concerning regulations pertaining to BOF function. Also, CIP reg should not be sole duty of Council. Should be in conjunction with BOF. BOF should have ability to write regulations pertaining to financial matters subject to approval of Council. | See markup section 5-10(a) and (b). |
| 2-120A | "And the town clerk shall file with the financial director a full statement of such receipts monthly" is not necessary | Section 4-10(b). OK. All funds directly deposited into appropriate account for Town Clerk. |
| 5-01A | suggestion was made to consider this section and whether or not it's the best way to hire a financial director | See section 4-05(a). John and Bob approve of proposal. |
| 5-01B2 | Clarify the role of Town and BOE funds. Does the finance director have overall fiduciary responsibility? | Section 4-05(c)(2). Per R. Tait, Finance Director is Treasurer of all funds, trust or otherwise. |
| 5-01B2 | Eliminate the word "Trust" | Section 4-05(c)(2). Same as above. |
| 5-01B3 | Finance Director no longer holds bonds in safekeeping | 4-05(c)(3). Ok with change |
| 5-01E | Include BOF? Who does Financial Director report to? Clarify? | Strike entire paragraph Added section 4-05(b) to clarify reporting structure. Both OK with change. |
| 3-30A5 | eliminate reference to section 6-60 because we recommend eliminating section 6-60 later on | Section 2-115(d)(5). Both OK with change. |
| 5-01B4 | Consider Town meeting Language and the LC and BOF/ BOS role. | See Section 4-05(c)(4). Both OK with change. |
| 5-01B5 | Change this section to read "No expenditures of Town funds shall be made, except as authorized by the Financial Director. Before any such funds are expended or encumbered or any contract is entered into, a purchase order or other form of expenditure | Modified after discussion with Bob and John. See Section 4-05(c)(5). |

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| | authorization will be signed by the department head or other person authorized which then shall be submitted to the Financial Director for approval. All Town purchase orders are approved and signed by the Financial Director, a member of the Purchasing Authority. The Financial Director shall approve any purchase order or any other expenditure authorization provided there appropriations, or unencumbered balances remaining in the account or there are sufficient appropriations within the requesting department to cover the request so that an internal departmental transfer will cover such request. Further, the purchasing procedures adopted by the Board of Finance and approved by the Legislative Council shall be followed; | |
| 5-01B6 | Change this section to read "The Financial Director shall prepare and keep a detailed budget document during the different phases of the annual budget process described in sections 6-10 thru 6-14." | Section 5-01(c)(6), no determination made, will review after confirming sufficiently detailed budget obligations are in budget chapter. |
| 5-01B7 | CIP should be updated annually, not every two years by BOF and Town | Section 5-01(c)(8), Done. Approved by both. |
| 5-01C | The first sentence should not exclude professional services | See Section 4-05(d). Approved by both. |
| 6-90F | Remove "funds appropriated and available for such object" and replace with" appropriations within the requesting department to cover the request so that an internal department transfer will cover such request" | See Section 7-20(d). Approved by both. |

Having No further business, the meeting was adjourned at 10:00pm.

Respectfully Submitted,

Jeff Capeci

Attachment: Draft Language

Attachment A: Draft Language:

4-105 Legislative Council

- (a) Summary of General Responsibilities: All of the legislative powers of the Town conferred by the Connecticut General Statutes on Legislative Bodies shall vest in the Legislative Council with the exception of those items specifically enumerated to other Town Bodies. The Council determines the annual Budget appropriations and considers special and emergency appropriations as set forth in **Error! Reference source not found.** The Legislative Council shall have the power to enact, amend or repeal ordinances as set forth in **Error! Reference source not found.**

Comment [JC1]: Language changed to be more general.

4-110 First Selectman

- (a) Summary of General Responsibilities: The First Selectman shall be the Chief Executive and Administrative Officer of the Town and shall have the powers and duties of First Selectmen prescribed by this Charter and the General Statutes.
- (b) The First Selectman shall be responsible to the Board of Selectmen for the administration of departments under the direct supervision of the Board and shall execute or cause to be executed regulations or resolutions voted by the Board of Selectmen and Town ordinances voted by the Legislative Council.

4-125 Board of Finance

Summary of General Responsibilities: The Board recommends a budget proposal and submits it to the Legislative Council for final action as set forth in section **Error! Reference source not found.** In addition, the Board advises the Board of Selectmen and Board of Education during the budget process and all other Town Bodies on preferred financial practices and obligations. The Board of Finance also reviews and assesses financial operations including transfers, and appropriations.

Membership and Terms:

- (1) The Board of Finance shall consist of six members.
- (2) In the 2017 Town Election, three seats shall have terms for four years and the remaining three shall have terms for 2 years. In the 2019 Town Election, the three seats up for election shall have four year terms. Thereafter, the term of office for all seats shall be four years and elections shall be subject to section 3-15(b).

The Board of Finance shall have the powers granted and the duties imposed by this Charter, together with the powers granted and the duties imposed by the General Statutes on Boards of Finance except to the extent that the latter may be inconsistent with or in conflict with any of the provisions of this Charter.

4-05 Finance Director

- (a) The First Selectman, with the approval of the Board of Selectmen and the Legislative Council, with recommendation from the Board of Finance, shall appoint a Financial Director to an indefinite term. The First Selectman, Board of Selectmen, Board of Finance and Legislative Council shall choose and consider all candidates for the position of Financial Director solely on the basis of such candidate's professional qualifications, character, training and experience in the field of financial management.
- (b) The Finance Director shall report to the First Selectman per section 2-110(b) of this charter.
- (c) The powers, duties and responsibilities of the Financial Director shall be as follows:
- (1) He/She shall keep all books of account of the Town and shall establish and maintain a general cost accounting system for all Town Departments including the Board of Education, consistent with all State Laws

and subject to the regulations adopted by the Board of Finance and approved by the Legislative Council. As part of this accounting system, he/she shall keep a separate account for each appropriation showing the amount of the appropriation, the amounts paid or transferred to it, the unpaid obligations against it and the unencumbered balance of the appropriation, and of any allotments thereof;

- (1) He/She shall have all of the powers and duties imposed by the General Statutes or by special act or law on town treasurers, and shall be Treasurer of all funds held by the Town;
 - (2) He/She shall receive and have custody of all funds belonging to or under the control of the Town or any Town department or officer and shall make such deposits or investments as he deems in the best interest of the Town within the limits imposed on such deposits or investments by the General Statutes.
 - (3) He/She shall determine when to issue authorized notes or bonds. Bids for such notes or bonds must be sought from at least 3 lending institutions for all borrowings and the net bid most favorable to the Town must be accepted, unless the Financial Director believes that it is in the best interest of the Town to reject all such bids, in which case all such bids may be rejected. He/She shall require all Town Departments and officers to report and remit all receipts to him as often as he/she may deem desirable but not more often than daily; He/She may re-negotiate bond sales used to refund and restructure options when it is financially advantageous. The re-negotiation may be done without securing bids.
 - (4) No disbursements of Town funds shall be made, except as authorized by the Financial Director. Before any such funds are expended or encumbered or any contract is entered into, a purchase order or other form of expenditure authorization shall be approved by the department head or other person authorized which then shall be submitted to the Financial Director for approval. ~~When funds appropriated to the office of the Financial Director are spent or encumbered, purchase orders there for shall be signed by the First Selectman or, in his/her absence, the Chairman of the Board of Finance.~~ All Town purchase orders are approved and signed by the Financial Director, a member of the Purchasing Authority. The Financial Director shall approve any expenditure authorization provided sufficient unencumbered balances remaining in the account or there are sufficient appropriations within the requesting department to cover said request. Further, the purchasing procedures adopted by the Board of Finance and approved by the Legislative Council shall be followed;
 - (5) The Financial Director shall prepare an analysis of all budget requests submitted as part of the preparation of the Annual Budget, said analysis to be submitted in a timely fashion to the Board of Finance insofar as the requests of the Board of Education are concerned and to the Board of Selectmen on all other requests. A similar analysis shall be provided to the Legislative Council on all requests for special appropriations or transfers submitted to it or initiated by it. He/She shall prepare a financial impact statement in accordance with Section 7-30 of this Charter to be provided to the Board of Selectmen and Legislative Council.
 - (6) The Financial Director shall prepare and keep a detailed budget document during the different phases of the annual budget process described in chapter 6.
 - (7) The Financial Director shall maintain a 5 year capital improvement plan in accordance with the regulations (see 5-10(b)) of the Legislative Council and shall submit an updated version of such plan to the Board of Finance and Legislative Council no later than the fifteenth day of January of each year.
 - (8) He/She shall prepare a cost analysis of all labor contracts, pension plans and insurance plans prior to the signing of any such contracts or plans. He/She shall assist in all labor negotiations. He/She shall serve as a consultant to the labor negotiators representing the Town.
- (d) The Financial Director, in conjunction with the First Selectman, shall be the Purchasing Authority for the Town of Newtown. ~~In the event either the First Selectman or the Financial Director is making a purchase, the Chairman of the Board of Finance shall act as the second person.~~ All supplies and contracts for services needed by the Town, including supplies needed by the Board of Education where those supplies are of a type which are also used by Town departments other than the Board of Education shall be procured through the Purchasing

Comment [JC2]: Per R. Tait, Finance Director is Treasurer of all funds, trust or otherwise.

Comment [JC3]: Requested language.

Authority. Nothing herein shall be construed to limit the Board of Education from requesting the Purchasing Authority to purchase supplies of a type not used by other Town departments, in which case the Purchasing Authority shall carry out the purchase requested. All purchasing carried out by the Purchasing Authority shall be carried out in accordance with the regulations adopted by the Legislative Council. Said regulations shall be reviewed biennially by the Legislative Council.

- (e) The Financial Director, with the approval of the First Selectman and Board of Selectmen and within the limits of the appropriations made to his/her office, may hire qualified employees to whom he/she may delegate specific functions of the aforesaid duties. However, he/she shall at all times remain fully responsible for carrying out the duties and responsibilities imposed upon him/her by this Charter.
- (f) The First Selectman, with the approval of the Board of Selectmen and with the approval of the Legislative Council after a hearing before the Council, may remove the Financial Director from office, with or without cause.

4-10 Tax Collector

- (a) The First Selectman, with the approval of the Board of Selectmen, shall nominate and appoint a Tax Collector to a term of 4 years commencing the first day of February of 1990 and every February first every 4 years thereafter. The First Selectman and the Board of Selectmen shall choose and consider all candidates for the position of Tax Collector solely on the basis of such candidate's professional qualifications, character, training and experience. The Tax Collector need not be a resident of the Town. The person appointed to fill the vacancy shall serve the balance of the unexpired term only. The Tax Collector shall have the powers, duties and compensation set forth in the provisions of Section 5-10 (b) of this Charter. The First Selectman, with the approval of the Board of Selectmen, may remove the Tax Collector from office for cause in accordance with the provisions of Section 4-40 of this Charter.
- (b) The Tax Collector shall exercise the powers and duties of a Tax Collector as provided by the General Statutes, except as hereinafter provided, and shall perform such other duties as required by this Charter. The receipts to be paid to the Tax Collector shall be collected in accordance with the provisions of the General Statutes or this Charter or ordinances of this Town and shall be deposited with the Financial Director of the Town and the Tax Collector shall file with the Financial Director a full statement of such receipts monthly. The Tax Collector shall also keep a record of receipts in his/her office which shall show the name of each person from whom money is received, the amounts thereof, and for what received. The expenses of the office will be provided for in the usual budgetary manner.
- (c) The Tax Collector shall receive a salary in lieu of all fees and other compensation.

Comment [JC4]: Unnecessary per charge item 5.

5-10 Regulations

- (a) Where regulations of the Legislative Council are authorized by this Charter, they shall be adopted, amended or repealed by majority vote of the Legislative Council, consisting of at least 6 affirmative votes. Any proposed regulation, amendment or repeal shall be referred for review to the Board of Selectmen for comment or consultation prior to action. A similar reference shall be made to the Board of Education or other town departments if their interests are affected. All regulations regarding financial matters shall be referred for review and recommendation to or may originate from the Board of Finance prior to action. Referrals can be acted on by the Legislative Council after 90 days. Such financial regulations shall be referred to the Board of Selectman and the Finance Director prior to action.
- (b) The development of the regulation governing the five year Capital Improvement Plan and any subsequent amendments to the regulation shall be the duty of the Legislative Council with the recommendation of the Board of Finance.

Comment [JC5]: Similar Language used throughout is it strong enough (use synonym like direction, guidance, etc)?

(c) Following action by the Legislative Council, the full text of the regulation adopted or as amended shall be filed with the Town Clerk within 10 days of such action. Regulations enacted or amended shall become effective on the fifteenth day after such action.

(d)

7-05 General Financial Process

(a) The fiscal year of the Town shall begin on July 1st and end on June 30th of the following calendar year, starting July 1, 1965.

(b) The system of accounts used by the Town departments shall be that prescribed by the General Statutes as supplemented by regulations adopted by the Board of Finance and approved by the Legislative Council and in accordance with generally accepted accounting practice.

(c) The Legislative Council, with recommendation from the Board of Finance, shall annually designate an independent, certified public accountant or his firm to audit the books and accounts of the Town as required by the General Statutes. Said annual audit shall be accepted by the Legislative Council with the recommendation of the Board of Finance.

Comment [JC6]: Redundant 4-05. Review like all others.

7-20 Disbursements/Purchases

(a) The Board of Finance shall keep under review the expenditures of Town departments and shall by regulation prescribe periodic reports of expenditures for which purpose said Board of Finance shall have access to the books and records of any such department.

(b) The regulations adopted by the Board of Finance and approved by the Legislative Council shall also designate the forms and procedures for purchase orders to be drawn on the Financial Director by the Board of Education and the Board of Selectmen.

(c) All sums not in excess of \$50,000 which may become due and payable to the Town or any of its departments by virtue of any loss or damage suffered by persons or property entrusted to the care, supervision or management of any such department shall be deposited in a special account and segregated by the Financial Director from the general fund of the Town. Thereafter, the Financial Director shall use such sums so segregated to pay any bills incurred in the course of repairing or replacing such loss or damage by the Town department in question, but such payments shall not exceed the lesser of the amount of money so deposited or the cost of repair or replacement. Any such money which is not so expended within one year from the date of its deposit shall cease to be segregated and shall be deposited in the general fund of the Town, unless the Town department which has incurred the loss or damage, notifies the Financial Director in writing before the expiration of said year that such repairs or replacements have been commenced or will be commenced within 90 days and will be completed on a date which will be specified in the aforesaid written notice, not to exceed 18 months.

(d) Neither the Board of Selectmen nor the Board of Education shall draw any order upon the Financial Director unless there is sufficient money appropriated to pay for the object for which such order is drawn and each order shall designate the object for and the account upon which it is drawn. Said Financial Director shall not pay any order unless there are sufficient appropriations within the requesting department to cover the request. This section shall not limit in any way the power of the Board of Education to make transfers within its own budget. The Board of Education shall report transfers within its budget in writing monthly to the Financial Director.

(e) No officer or department of the Town shall expend or vote to incur any liability or expense by contract or otherwise, or enter into any contract, which would obligate the Town to expend in excess of an approved

departmental line item appropriation. For the purpose of this Charter, a line item means any expenditure for the current fiscal year to which the Board of Finance has assigned an appropriation account number. Any officer or member of a Town department who, without authority from this Charter or the General Statutes, expends or causes to be expended any money of the Town, except in payment of final judgments rendered against the Town, shall be liable in a civil action in the name of the Town, as provided in the General Statutes